IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7435 of 2006()

CMP.9179/2006 of J.M.F.C.,MAVELIKKARA
Crime No.,240/06 of Mavelikara Excise Range

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: PETITIONERS/ACCUSED

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1. BALAKRISHNAN, S/O.CHATHAN,
DEEPU BHAVAN, ARUNOOTTIMANGALAM MURI,
VETTIYAR VILLAGE, MAVELIKKARA.

2. BIJU, S/O.SADANANDAN,
BIJULAL BHAVANAM, ARUNOOTTIMANGALAM MURI,
VETTIYAR VILLAGE, MAVELIKARA.

BY ADV. SRI.K.V.RAJU

RESPONDENT:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application NO.7435 of 2006

Dated this the 15th day of December, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners who are the accused Nos. 1 and 2 in Crime No. 240 of 2006 of Mavelikara Excise Range for offences punishable under Sec. 55(g)(e)(i) of the Abkari Act, for having been found in possession of 100 liters of wash and manufacturing illicit arrack on 20.11.2006, seek their enlargement on bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This Application is accordingly dismissed.

V.RAMKUMAR,
JUDGE.

ess 15/12